

CHAPTER NO. 54**HOUSE BILL NO. 2119****By Representative Fitzhugh****Substituted for: Senate Bill No. 2034****By Mr. Speaker Wilder**

AN ACT to amend Chapter 80 of the Private Acts of 1993; and any other acts amendatory thereto, relative to the appointment of a vice mayor in the city of Bells.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 80 of the Private Acts of 1993, and any acts amendatory thereto, is hereby amended by deleting Section 9 in its entirety and by substituting instead the following:

SECTION 9. The Board of Mayor and Aldermen shall elect from its membership a Vice Mayor who shall serve in office until the municipal election in May, 2005. Thereafter, the Board of Mayor and Aldermen, at the first regular meeting following each quadrennial municipal election, shall elect from its membership a Vice Mayor for a term of four (4) years. The Vice Mayor shall have and perform the same powers and duties of the Mayor during the Mayor's temporary absence or inability to act, except that the Vice Mayor shall retain his or her vote and shall not have veto power unless he or she is serving the remainder of the Mayor's unexpired term.

SECTION 2. Chapter 80 of the Private Acts of 1993, and any other acts amendatory thereto, is further amended by deleting Section 10 in its entirety and by substituting instead the following:

SECTION 10. The Board of Mayor and Aldermen shall declare that a vacancy exists if the Mayor or an Alderman resigns, dies, moves his or her residence from the city, is convicted of malfeasance or misfeasance in office, a felony, a violation of this charter or election laws of the State, or a crime involving moral turpitude, fails to attend any meetings of the Board for a period of ninety (90) days with no extenuating circumstances, or has been continuously disabled for a period of six (6) months so as to prevent him or her from discharging the duties of his or her office.

When a vacancy occurs in the office of Mayor, the Vice Mayor shall immediately assume the office of Mayor for the remainder of the unexpired term or until the next regular city election, whichever shall occur first. If the next regular city election occurs prior to the expiration of the term, a special election shall be held, at the same time as the regular city election, to fill the remainder of the unexpired mayoral term.

The Board of Mayor and Aldermen shall, within a period of thirty (30) days from the date of which an alderman's seat was declared vacant, appoint a qualified person to fill the vacancy for the remainder of the unexpired term or until the next regular city election, whichever shall occur first. If the next regular city election occurs prior to the expiration of the term, a special election shall be held, at the same time as the regular city election, to fill the remainder of the unexpired aldermanic term.

SECTION 3. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the city of Bells. Its approval or nonapproval shall be proclaimed by the presiding officer of the city of Bells and certified to the secretary of state.

SECTION 4. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 3.

PASSED: May 27, 2003


JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES
JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 13th day of June 2003


PHIL BREDESEN, GOVERNOR